HIGH COURT OF CHHATTISGARH AT BILASPUR

(20)

M.A. No. 550 of 2005

Appellants

1. Smt. Shakun Giri Goswami, aged about 23 years, W/o Late Shri Chetan Goswami.

2. Minor Kumari Chanchal Giri Goswami, aged about 1 years, D/o Late Shri Chetan Giri Goswami,

(Appellant No.2 being minor, on behalf of through her legal- Guardian mother the appellant No.1.)

3. Ramesh Giri Goswami, aged about 48 years, S/o Bajrang Giri Goswami.

4. Smt. Ratna Giri Goswami, aged about 45 years, W/o Ramesh Giri Goswami.

5. Ku. Preeti Goswami, aged about 17 years (Minor), D/o Ramesh Giri Goswami.

6. Goutam Giri Goswami, aged about 14 years (Minor), S/o Ramesh Giri Goswami

(Appellant No. 5 and 6 being minor, on behalf of through their legal-Gardian mother the appellant No.4)

All the resident of Village- Sarona, Post Office- Tatibandh, Raipur, Tahsil and District- Raipur (C.G.)

Versus

Respondents

1. Santosh Yadav, aged about 28 years, S/o Late D.D.S. Yadave, R/o Sangam Chowk, New Khurshipar Bhilai, District- Durg (C.G.).

2. The United Insurance Company Limited, Through Divisional Office, Kutchery Chowk, Raipur, District- Raipur (C.G.)

Policy issued by The United Insurance Company Limited, Press Complex, Gurudwara, Station Road, Durg, District- Durg (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Shivendu Pandya, Advocate for the appellants.

Mr. Vinay Harit, Senior Advocate with Shri Narayan Shrivastava, Advocate for the Respondent No.3.

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ORAL ORDER

(2nd December 2005)

The following order of the Court was passed by S. R. Nayak, C.J.

1. This is an appeal by the dependents of the deceased seeking more compensation. The only contention urged by learned counsel for the appellants in the course of hearing is that the deceased was 26 years aged on the date of accident and therefore, the appropriate multiplier to assess the loss of dependency is 18 and not 17 as has been applied by the M.A.C.T. The other contention urged by learned counsel for the appellants in the course of hearing is that the M.A.C.T. is not justified in not awarding any compensation under the conventional heads i.e. 'loss of consortium', 'loss of estate' and 'loss of love and affection to the minor child' and 'loss to the estate'. It is trite that in a death case, the dependent widow and minor children are entitled to reasonable compensation under the conventional heads, mentioned above. There is no justification for the M.A.C.T. to deny compensation under those heads. In that view of the matter we award sum of Rs. 20,000/- towards loss of consortium, Rs. 20,000/- towards loss of love and affection and Rs. 20,000/- towards loss to the estate. The impugned award shall stand modified accordingly. In all other respects the impugned award shall remain unaltered. The parties shall bear their respective costs in this appeal.

Sd/-
Chief Justice

Sd/-
SATISH K. ANGNIHOTRI
Judge

Thakur